INVESTIGATIVE SUMMARY
USE OF FORCE
WRIST FRACTURE
FILE: IAB 2015835

On Monday morning, July 16, 2000, Lieutenant Karyn Mannis of the Internal Affairs Bureau notified Sergeants Roger Zombek and Jerry Greene of Internal Affairs Bureau to responded to Temple Station regarding a significant use of force incident, wrist fracture. The incident occurred on 07/15/00 at 1945 hours. During follow-up treatment (of the suspect's initial injury to his finger) at LCMC on 07/16/00, x-rays revealed that the suspect also had sustained a fractured wrist.

INVOLVED PERSONNEL:

Jordan, James, Deputy #[redacted]
Swanson, David, Deputy #[redacted]
[redacted], Deputy #[redacted]
French, Laura, Deputy #[redacted]

SUSPECT:

Lee, Timothy MW/40. Booking #6532489

Criminal history

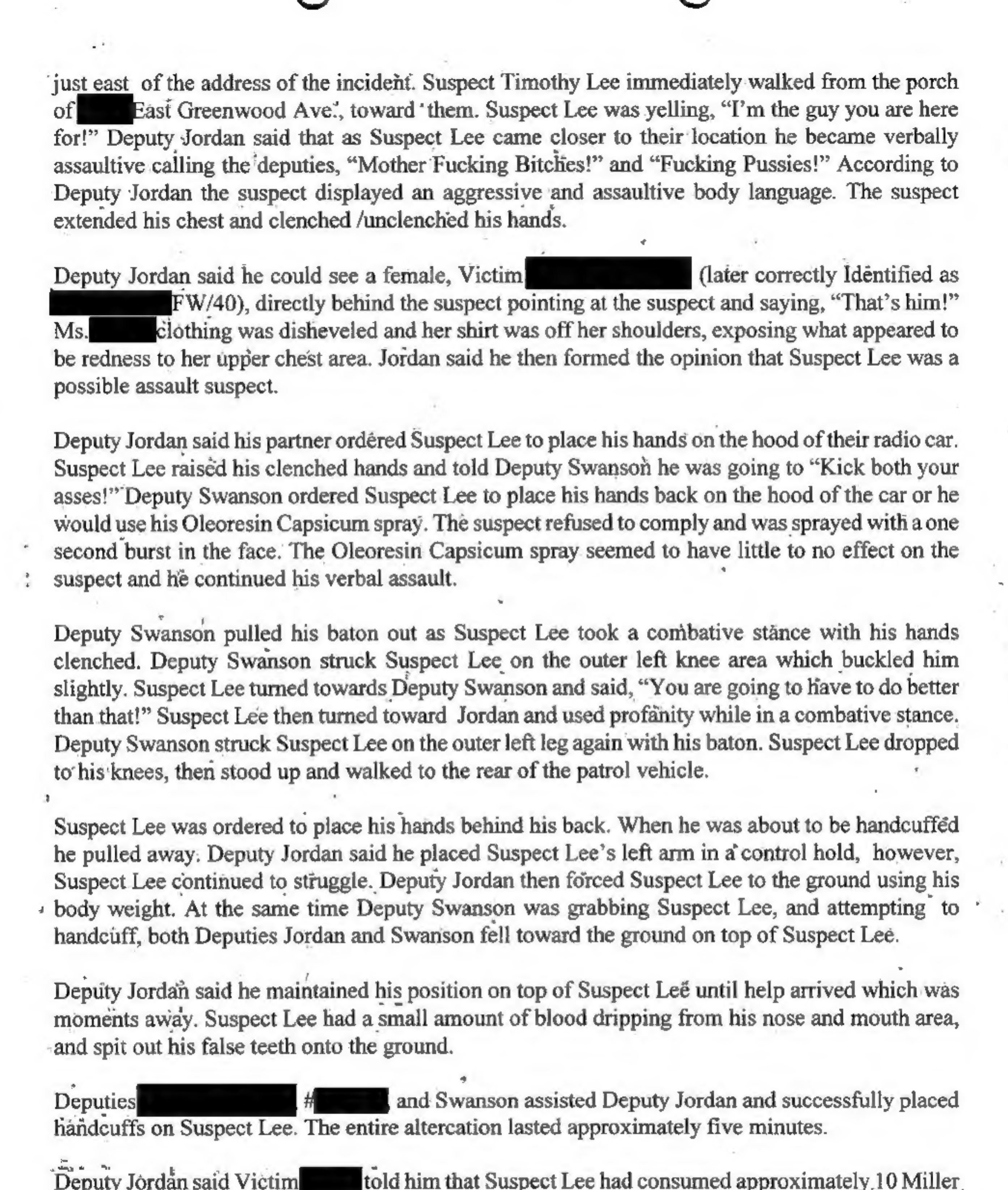
[redacted]

WITNESSES:

Sergeant Melinda Berry, #[redacted]
Deputy Patrick W. Martinez, #[redacted]
Deputy Carol L. Howard, #[redacted]
Deputy Ronald A. Digiovanni, #[redacted]
[redacted] FW/40

INVOLVED EMPLOYEES STATEMENTS:

Deputy James Jordan said he and his partner Deputy Swanson parked their marked patrol vehicle



just east of the address of the incident. Suspect Timothy Lee immediately walked from the porch of [redacted] East Greenwood Ave., toward them. Suspect Lee was yelling, "I'm the guy you are here for!" Deputy Jordan said that as Suspect Lee came closer to their location he became verbally assaultive calling the deputies, "Mother Fucking Bitches!" and "Fucking Pussies!" According to Deputy Jordan the suspect displayed an aggressive and assaultive body language. The suspect extended his chest and clenched /unclenched his hands.

Deputy Jordan said he could see a female, Victim [redacted] (later correctly Identified as [redacted] FW/40), directly behind the suspect pointing at the suspect and saying, "That's him!" Ms. [redacted] clothing was disheveled and her shirt was off her shoulders, exposing what appeared to be redness to her upper chest area. Jordan said he then formed the opinion that Suspect Lee was a possible assault suspect.

Deputy Jordan said his partner ordered Suspect Lee to place his hands on the hood of their radio car. Suspect Lee raised his clenched hands and told Deputy Swanson he was going to "Kick both your asses!" Deputy Swanson ordered Suspect Lee to place his hands back on the hood of the car or he would use his Oleoresin Capsicum spray. The suspect refused to comply and was sprayed with a one second burst in the face. The Oleoresin Capsicum spray seemed to have little to no effect on the suspect and he continued his verbal assault.

Deputy Swanson pulled his baton out as Suspect Lee took a combative stance with his hands clenched. Deputy Swanson struck Suspect Lee on the outer left knee area which buckled him slightly. Suspect Lee turned towards Deputy Swanson and said, "You are going to have to do better than that!" Suspect Lee then turned toward Jordan and used profanity while in a combative stance. Deputy Swanson struck Suspect Lee on the outer left leg again with his baton. Suspect Lee dropped to his knees, then stood up and walked to the rear of the patrol vehicle.

Suspect Lee was ordered to place his hands behind his back. When he was about to be handcuffed he pulled away. Deputy Jordan said he placed Suspect Lee's left arm in a control hold, however, Suspect Lee continued to struggle. Deputy Jordan then forced Suspect Lee to the ground using his body weight. At the same time Deputy Swanson was grabbing Suspect Lee, and attempting to handcuff, both Deputies Jordan and Swanson fell toward the ground on top of Suspect Lee.

Deputy Jordan said he maintained his position on top of Suspect Lee until help arrived which was moments away. Suspect Lee had a small amount of blood dripping from his nose and mouth area, and spit out his false teeth onto the ground.

Deputies [redacted] #[redacted] and Swanson assisted Deputy Jordan and successfully placed handcuffs on Suspect Lee. The entire altercation lasted approximately five minutes.

Deputy Jordan said Victim [redacted] told him that Suspect Lee had consumed approximately 10 Miller Lite 12 oz. beers in three hours and became verbally assaultive toward her and her niece (8 years' old). Victim [redacted] said that when she was calling for help and talking to Temple Station personnel,

Suspect Lee pulled the telephone cord out of the wall connection which rendered the phone useless.

Deputy David Swanson, who was Deputy Jordan's partner and training officer, was interviewed and said as he stopped the radio car along the north curb line in front of [redacted] which is one house west of the location, a male, (Later identified as Suspect Lee) exited the location. The suspect walked toward their radio car, yelling "Here I am, I'm the one you're here for." Deputy Swanson said he could see the suspects face was very red and the suspect kept clenching and unclenching his fists as he advanced toward them. A female, identified as Victim [redacted] (later correctly identified as [redacted] FW/40), exited the location behind the suspect. She, Ms. [redacted] yelled "that's him." Victim [redacted] shirt was pulled down below the shoulders and appeared to be torn. Her chest and neck were red, as if she had been assaulted.

Deputy Swanson, said he formed the opinion that Suspect Lee had possibly assaulted Victim [redacted] and decided to detain him regarding a spousal assault investigation. Deputy Swanson said he asked the suspect to put his hands on the hood of the radio car. The suspect complied with Deputy Swanson's directions by placing his hands on the hood of the radio car.

Deputy Swanson said the suspect then looked toward him and said, "Fuck you!" As Deputy Jordan stepped around the front of the radio car, the suspect spun around to face Deputy Swanson. The suspect raised his fists to his chest as if preparing to punch Deputy Swanson. Deputy Swanson said he ordered the suspect to turn around and place his hands on the radio car, so he can check for weapons. The suspect again used profanity toward Deputy Swanson and would not comply.

Deputy Swanson pulled out his O.C. spray and pointed it at the suspect. The suspect said "Fuck you, that shit doesn't bother me." Because of the suspect's behavior, actions, and pre-assaultive behavior, the suspect was sprayed with a one second burst of O.C. spray.

Suspect Lee turned back toward the radio car and placed his hands on the hood. The suspect was about to be searched by Deputy Jordan when he started to move around the hood of the car. The suspect ignored repeated commands to turn and put his hands on the hood. Deputy Jordan stepped over to the front of the suspect to block any further movement. The suspect then turned and took a combative stance with his fists clenched at his chest. The O.C. spray seemed to have little to no effect, so Deputy Swanson pulled out his baton. The suspect was again ordered to turn toward the car. The suspect again started to move away from the deputies. When the suspect turned and said "I'll fight you, and kick both your asses," Deputy Swanson said he struck the suspect one time on the outside of his left knee and the suspect fell to his knees on the grass. The suspect was ordered to put his hands on his head and he complied, while still using profanities toward the deputies.

Deputy Jordan stepped up and took hold of the suspect's arms in an attempt to handcuff the suspect. The suspect started to stand up while yelling, "you're fucking bitches." Deputy Swanson said he struck the suspect on his left thigh once with his baton causing him to return to a kneeling position. The suspect began to struggle with Deputy Jordan by trying to turn away and pull away. Swanson said he stepped up and grabbed the suspect's right arm and attempted to place it at the small of his back.

Suspect Lee began to stand up, while turning back and forth. As Deputy Swanson struggled with the suspect, he continued holding onto his baton with his right hand. Fearing that the suspect was about to break free from his grasp and assault him, Deputy Swanson struck the suspect in the middle of the back with his baton. The suspect then returned to his kneeling position.

Deputy Jordan placed his right arm over the suspect's right shoulder and across his chest as he held the suspect's left wrist with his left hand. As the suspect continued to struggle, he began to slide down the side of the radio car toward his left side. Deputy Jordan and Deputy Swanson followed the suspect to the ground. The suspect was then pinned on the ground, face down with the deputies body weight. Deputy Jordan had the suspect's left wrist and Swanson had the right arm. The suspect started kicking, twisting, trying to break free. As the suspect thrashed his head from side to side, his dentures fell onto the pavement.

Deputy Swanson said as the suspect and he were sliding along the radio car, his right hand was trapped between the suspect and fender, causing a bruising and three 1/4 inch abrasion to his right hand, which bled.

Deputy Swanson said that with the assistance of Deputies [redacted] and French, the suspect was handcuffed.

Deputy [redacted], #[redacted] said he heard a request for assistance on the radio regarding deputies involved in a fight with a suspect. When he arrived, he said he saw deputies involved in a fight with a suspect. The suspect was face down and kicking in a wild manner, and Deputies Jordan and Swanson were on top of the suspect. Deputy [redacted] said he could see Deputy Swanson holding on to the suspect's right hand, while Deputy Jordan was holding his left hand.

Deputy [redacted] said that when he approached the suspect to handcuff him, the suspect continued to kick his legs. In order to safely control the suspect, Deputy [redacted] said he placed his right knee on the back of the suspect's left knee. Deputy [redacted] said he was able to safely handcuff the suspect's right hand, then grab the left and complete the handcuffing of the suspect. The suspect continued trying to kick Deputy [redacted] and the other deputies. Deputy [redacted] said he kept his knee on the suspect's knee until additional units arrived. The suspect was then assisted up to his feet and placed inside the back of a radio car.

Deputy Laura J. French, #[redacted] said when she arrived at the scene, she could see Deputy Swanson was struggling on the ground with a suspect. Deputy Swanson was on the right side of the suspect's body, restraining his right arm. Deputy Jordan was on the suspect's left side restraining his left arm. Deputy French said she restrained the suspect's legs and feet by standing on both of the suspect's feet with her left foot. Sergeant Berry arrived and the suspect was placed into the backseat of a radio car without any further incident.

WITNESSES STATEMENTS:

Sergeant Melinda Berry said she arrived at the location and was told that the video camera was needed to document the incident. Sergeant Berry said she then saw an individual on the ground. The suspect was being restrained by Deputies Swanson, Jordan, [redacted] and French. The suspect was screaming obscenities and thrashing about in an apparent attempt to free himself. The suspect continued screaming and threatening the deputies. Sergeant Berry said that at her direction she had the incident video taped and the suspect placed in the backseat of the nearest radio car.

Sergeant Berry said she could see blood on the suspect's face, possibly from a bloody nose. Sergeant Berry then directed two deputies to transport the suspect to Arcadia Methodist Hospital for treatment.

Sergeant Berry said at the hospital she saw the suspect with a small Band-Aid on his right ring finger. The suspect was leaning back on the examining table resting his upper body weight on his hands which were behind him. One hand was handcuffed to the table. The suspect was laughing and joking with the deputies.

Deputy Patrick Martinez, #[redacted] said he just concluded interviewing victim [redacted] when he was instructed by Sergeant Berry to take the suspect to the hospital with another deputy, so he could be treated for any injuries he might have incurred during his arrest. While en route to the hospital, the suspect became cooperative and Deputy Martinez (Deputy Martinez is assigned to the station DB) read the suspect his rights, which he waived.

Deputy Martinez said he asked the suspect what happened back at the house with the deputies. The suspect told Deputy Martinez he would not obey the deputies so "they kicked his ass." The suspect went on telling Deputy Martinez they didn't really kick his ass but that he had drank too much and was fighting (verbally) with Victim [redacted] When Victim [redacted] said she was going to call the police, the suspect told her to go ahead. When Victim [redacted] picked up the phone to call the police, the suspect got pissed off and pulled the phone cord out of the wall.

At Arcadia Methodist Hospital, the suspect told Deputy Martinez he was fine and didn't need any medical care. The suspect told the doctor he was okay. The suspect had a small cut on his right hand and had been pepper sprayed in the eyes. At that time Suspect Lee refused medical attention and his statement that he was okay was on the video tape that Deputy Martinez recorded.

Dr. Levin, Emergency Physician at Arcadia Methodist Hospital, approved Suspect Lee for booking at Temple Station.

Deputy Carol L. Howard, #[redacted] said she drove up just behind the handling unit, Deputies Swanson and Jordan. Deputy Howard said as she and the handling unit approached the location, a male white was walking quickly towards them. The suspect was followed by a female, Victim [redacted] The female's shirt had been pulled off on one shoulder, her hair was messed up, and her face was red. The female was pointing at the suspect and yelling, "That's him."

By the female's appearance, Deputy Howard felt that a spousal assault had occurred. The suspect

became very aggressive toward both Deputies Jordan and Swanson, and Deputy Howard was afraid that the female would attack the deputies if they were involved in an altercation with the suspect. Deputy Howard told the handling deputies that she would make contact with the female.

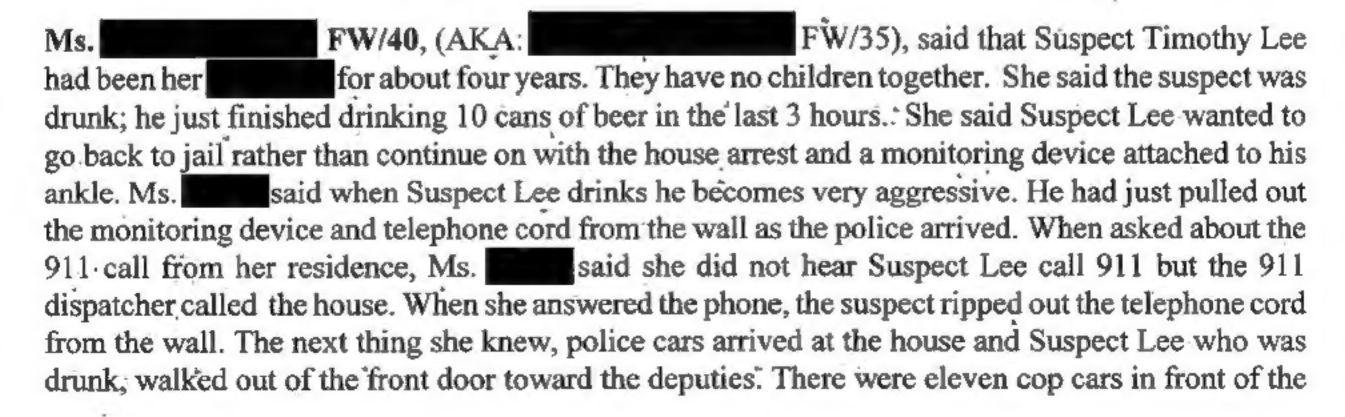
Deputy Swanson ordered the suspect to place his hands on the hood of the patrol car. The suspect complied for a moment, then continued yelling and cursing. The suspect stood up and quickly turned toward Deputy Swanson as he was about to search the suspect for possible weapons. The suspect was again ordered to place his hands on the hood and again he complied. Moments later the suspect turned around in an aggressive stance as Deputy Swanson approached him. Deputy Swanson pulled out his O.C. spray and sprayed Suspect Lee once on the right side of his face with a one second burst. The suspect became irate and his aggressive behavior intensified; he spit at the deputies and continued to curse at them.

Suspect Lee lunged at Deputy Swanson in an attempt to knock Deputy Swanson aside. Deputy Swanson was still ordering the suspect to place his hands on the hood of the car. Deputy Swanson pulled out his baton from the holster just as Suspect Lee turned toward Deputy Swanson again. Deputy Swanson struck Suspect Lee on the back of his left thigh. Deputy Howard said that the suspect then attempted to run at Deputy Jordan who was standing to Suspect Lee's right. Deputy Swanson hit Suspect Lee a second time across the back of his thighs. The suspect complied and kneeled down next to the patrol car.

During the altercation with the suspect Deputy Howard said she requested additional units Code 3 to respond to the location, while she held back Victim [redacted] from getting involved in the altercation with the deputies.

Deputy Jordan approached Suspect Lee, who had his hands behind his head in compliance with Deputy Swanson's orders. Suspect Lee began struggling with Deputy Jordan as he attempted to handcuff him. Deputy Swanson grabbed Suspect Lee's left arm while Deputy Jordan had the right arm. Deputies [redacted] and French arrived as Suspect Lee threw himself to his left, landing on his side and still wrestling with the deputies.

Deputy Howard said, he then turned away to attempt to calm down Victim [redacted].



Ms. [redacted] **FW/40**, (AKA: [redacted] FW/35), said that Suspect Timothy Lee had been her [redacted] for about four years. They have no children together. She said the suspect was drunk; he just finished drinking 10 cans of beer in the last 3 hours. She said Suspect Lee wanted to go back to jail rather than continue on with the house arrest and a monitoring device attached to his ankle. Ms. [redacted] said when Suspect Lee drinks he becomes very aggressive. He had just pulled out the monitoring device and telephone cord from the wall as the police arrived. When asked about the 911 call from her residence, Ms. [redacted] said she did not hear Suspect Lee call 911 but the 911 dispatcher called the house. When she answered the phone, the suspect ripped out the telephone cord from the wall. The next thing she knew, police cars arrived at the house and Suspect Lee who was drunk, walked out of the front door toward the deputies. There were eleven cop cars in front of the

house when her [redacted] left the house. Victim [redacted] said the police sprayed him and hit him with batons until he fell down. Four deputies were on top of him which caused him to lose his dentures. He was then arrested.

SUSPECT STATEMENTS:

Suspect Lee said he had been drinking about 6 or 7 beers when his [redacted] and him were arguing over bills and everything. Suspect Lee said he needed out of the house so he called the Sheriff to come and take him to jail. When deputies pulled up in front of his residence, he ran outside with his [redacted] behind him yelling at him. He said there were two male deputies telling him to get down. He started to yell at them that he was the one that called. One deputy grabbed Suspect Lee by the left arm and tried to get him down on the ground. Suspect Lee said he then got mad, the deputies sprayed him with pepper spray and the slim deputy (referring to Deputy Swanson) hit him with a baton on the legs for no reason.

Suspect Lee said after being hit with the baton he knelt down on the ground and was choked to unconsciousness and lost his dentures during the choking. The next thing he knew, he is in a radio car and bleeding.

The suspect was under the influence of alcohol at the time of the incident.

INJURIES:

Suspect:
Suspect Timothy Lee was transported to Arcadia Methodist Hospital and treated for a cut to his right finger by Doctor Levin. The suspect was approved for booking and transported to Temple Station.

Sergeant Berry observed that the suspect, while in the station holding cell, had picked at his finger wound causing it to bleed. During the EM shift on 07/16/00 the suspect was transported to LCMC for medical clearance. Dr. Jaelisgh, Los Angeles County + University of Southern California Medical Center, treated the suspect and requested x-rays of Suspect Lee's right hand and wrist. The x-rays revealed that Suspect Lee had a fracture of the right wrist and his right finger laceration required several sutures. Dr. Jaelisgh would not say if the injuries were consistent with anything other than a struggle. The wrist could only be fractured if the suspect were to fall directly on it with his weight. Suspect Lee was admitted to LCMC for further medical examination.

Involved Employee:
Sergeant Berry transported Deputy Swanson to Arcadia Methodist Hospital where he was treated for a 2 ½ inch laceration to the back of his right hand, which was caused by falling onto the suspect while struggling to handcuff him..

PHYSICAL EVIDENCE:

None

INVESTIGATOR OBSERVATIONS:

Suspect Lee was interviewed at LCMC. He had a dressing on one of his right fingers and light abrasions to both sides of his face, a bruise on the inside of his left leg, and a small bruise on his chest, (Refer to Exhibit B).

WEAPONS USED BY SUSPECT:

None

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR:

Detective Patrick W. Martinez, #[redacted] said that both 69 PC (Resisting executive officer) and 243(c)(2)PC (Battery with injury on a peace officer) were filed against Suspect Lee. The outcome of the case is still pending. Detective Martinez said he would advise me of the final outcome.

LIGHTING OR WEATHER CONDITIONS:

Evening conditions with street lights, weather was clear.